IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.569 OF 2003
IN
NOTICE OF MOTION NO.1015 OF 2002
IN
SUIT NO.1005 OF 2002

Deutsche Bank AG ..Appellant

Vs.

Mrs.Mani Jos of Mumbai ..Respondent

Ms.Alpana Ghore i/b.Kanga & Co.for the Appellant.
None for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
ANOOP V.MOHTA,JJ.

DATE : 29TH NOVEMBER,2007

P.C.

1. Heard the learned Counsel for the Appellant.

The learned Counsel for the Appellant states that the Appellant has settled the matter with the Respondents out of Court. In view thereof, he seeks leave to withdraw the original Suit No.1005 of 2002. Suit No.1005 of 2002 is taken on board and called out. The Suit is allowed to be withdrawn and dismissed as such. Permissible Court fees be refunded to the Plaintiff in Suit No.1005 of 2002.

2. In view of the withdrawal of the suit itself as a result of amicable settlement, the order passed in Notice of Motion No.1015 of 2002 in Suit No.1005 of 2002 does not survive, consequently the above Appeal has become infructuous. Hence, the Appeal stands dismissed.

3. It appears that the Court Receiver, High Court, Bombay had been appointed in the above Suit. In view of the withdrawal of the above Suit, the Court Receiver, High Court, Bombay is discharged, without passing of the Accounts, subject to the payment of Court Receiver Charges. The Prothonotary and Senior Master of this Court shall act on the minutes of this order.

(ANOOP V.MOHTA,J.) **(DR.S.RADHAKRISHNAN,J.)**